



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: 2004-00271-L2
Issue Date: 28 April 2004
Expiration Date: 28 May 2004

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Michael Spano
90 Garner Lane
Bay Shore, NY 11706

ACTIVITY: Replace a bulkhead, dredge, create a boat slip, construct a wavebreak, and install a pier assembly.

WATERWAY: Manatuck Creek and Great South Bay

LOCATION: Town of Islip, Suffolk County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE. otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight

CENAN-OP-RE
PUBLIC NOTICE NO. 2004-00271-L2

as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.


Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3802 and ask for Vincent J. Monaster.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

CENAN-OP-RE
PUBLIC NOTICE NO. 2004-00271-L2

WORK DESCRIPTION

The applicant, Michael Spano, has requested Department of the Army authorization to replace a bulkhead, dredge, create a boat slip, construct a wavebreak, and install a pier assembly in Manatuck Creek and Great South Bay in the Town of Islip, Suffolk County, New York.

The proposed work includes the dredging of an area of approximately 2,930 square feet seaward of the bulkhead facing Manatuck Creek. From this bulkhead an area extending seaward 10 feet would be dredged to a depth of 4 feet below the plane of mean low water with the removal of approximately 97 cubic yards of material. All dredged material would be placed upland, with return flow to the waterway.

The applicant also proposes to excavate approximately 380 cubic yards of material from the upland area of 1280 square feet behind the bulkhead (prior to its removal) to create a boat slip approximately 32 feet wide by 40 feet long. The approximately 112 foot long banks of the proposed boat slip would be bulkheaded with a navy style vinyl bulkhead. The excavated material would be placed behind the new bulkhead. The applicant also proposes to install 3 mooring piles and relocate 1 existing mooring pile within the proposed boat slip.

The applicant also proposes to construct a 30 foot long wavebreak at a location shown on the attached drawings. The wavebreak consists of a timber structure extending 6 feet above the plane of mean low water. The 10 inch wide slats would be spaced 2 inches apart and would end 6 inches above the creek bottom.

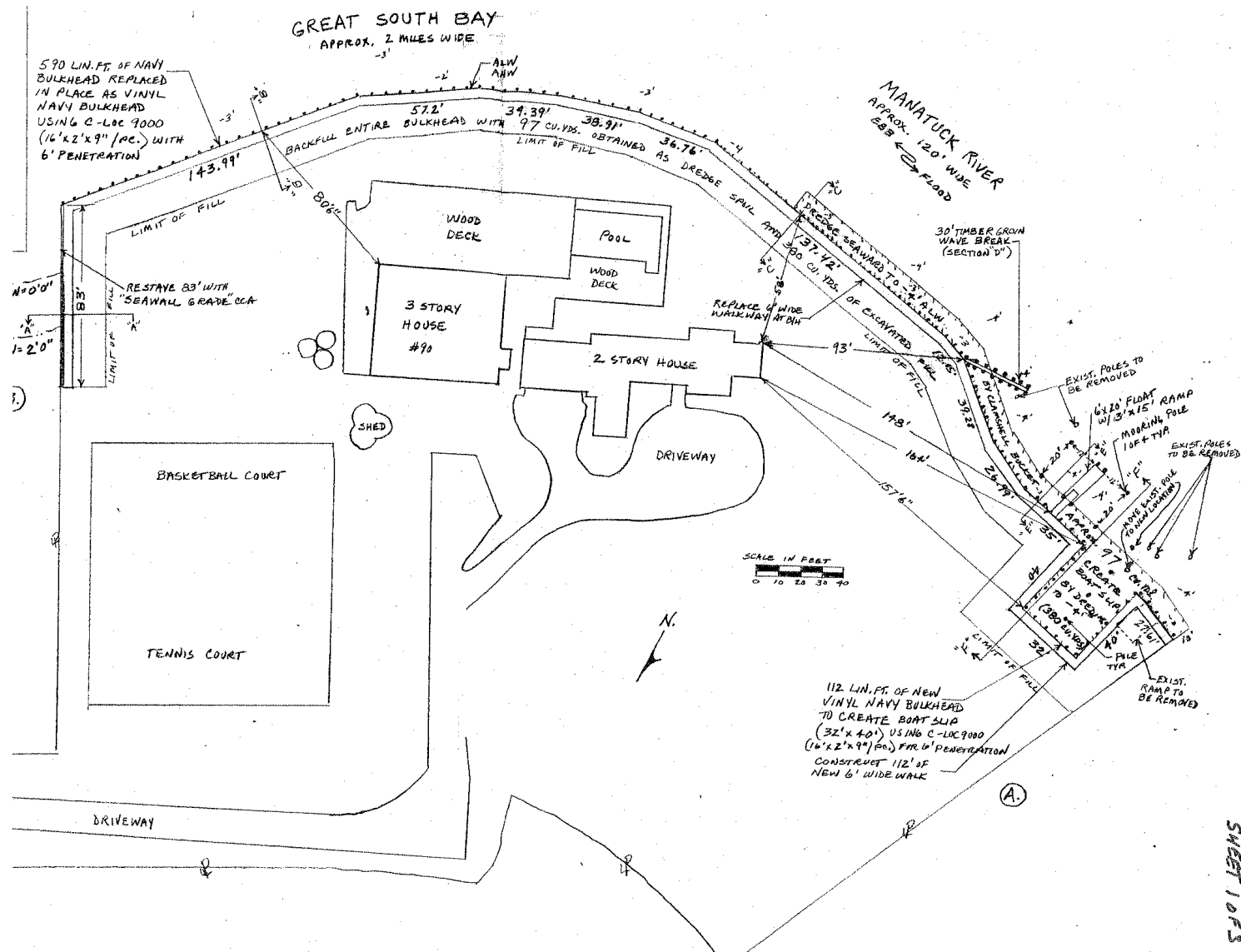
Also, the applicant would install a pier assembly consisting of a 3 foot wide by 15 foot long ramp and a 6 foot wide by 20 foot long float, secured by four - 10 inch diameter float piles. Four, 10 inch diameter outboard mooring piles would be installed around the float.

The applicant proposes to reface an approximately 83 foot long section of timber bulkhead along the east property line.

The proposed work could have a minor adverse impact on Essential Fish Habitat (EFH) and EFH-managed species as a result of a temporary increase in turbidity during construction. Although this may adversely affect the feeding success of some EFH-managed species or their prey, it is expected that fish populations would avoid the area of disturbance.

In accordance with Nationwide General Permit Number 3 (described at Title 33 of the Code of Federal Regulations, Part 330.6 Appendix B, the applicant will remove, and replace in place, an approximately 590 foot long section of timber navy style bulkhead with a vinyl sheathed navy style bulkhead.

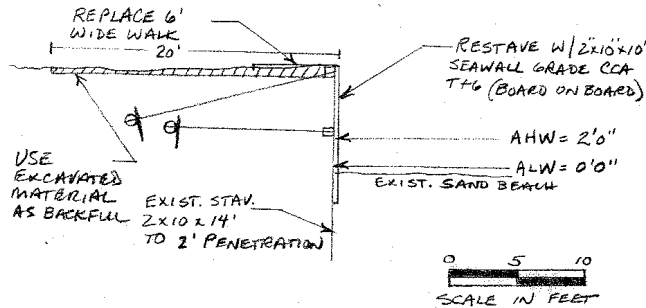
The stated purpose of this project is to control erosion, and allow the applicant access to the waterway for his recreational vessels.



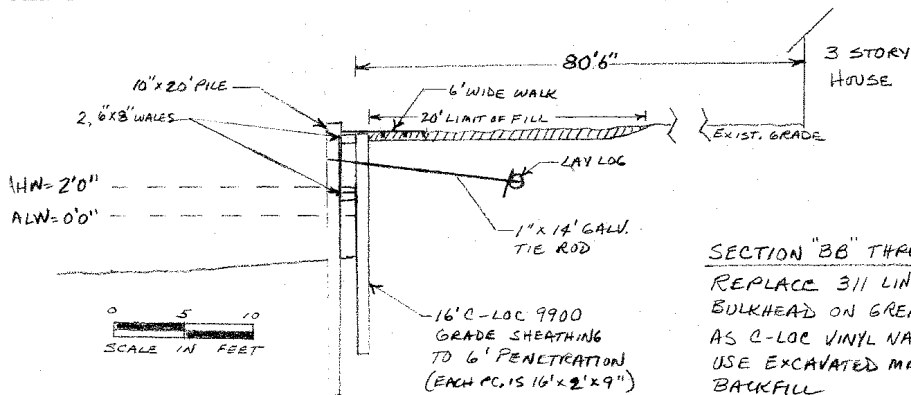
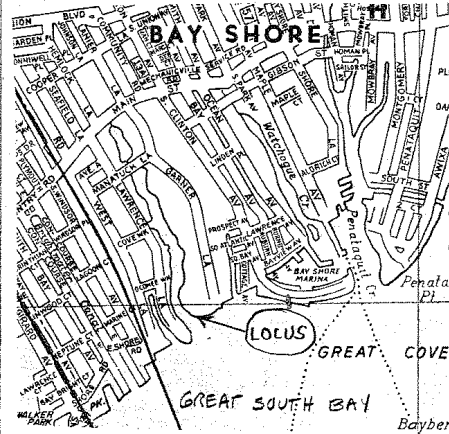
PROJECT for MICHAEL SPANO
90 GARNER LANE
BAY SHORE, NY 11706

BY: OUTER BEACH MARINE INC. SHEET 2 OF 3
4226 OAK BEACH
OAK BEACH, NY 11702
JAN. 30, 2004
3/8/04

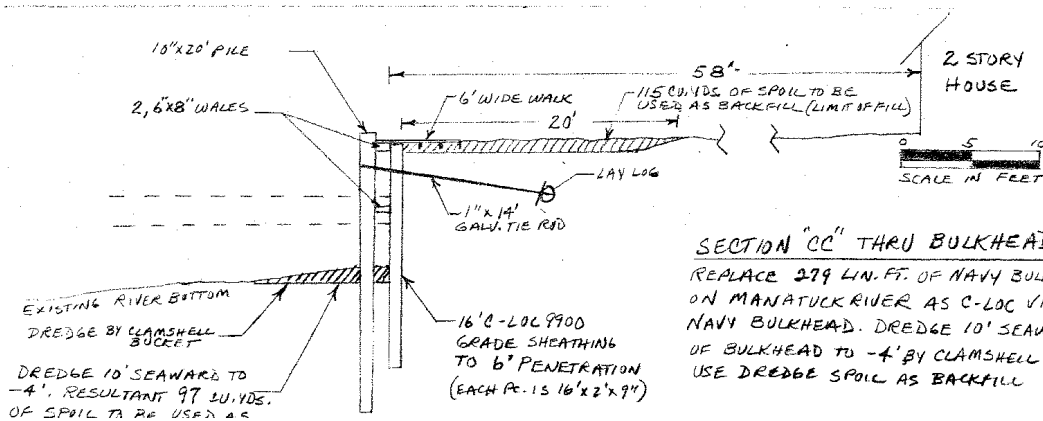
SECTION "AA" THRU EAST RETURN
83' OF RESTAVING BOARD ON BOARD



VICINITY MAP
SUFFOLK CTY. HAGSTROMS MAP #9
SCALE = 1" = 3000'



SECTION "BB" THRU BULKHEAD
REPLACE 311 LIN. FT. OF NAVY BULKHEAD ON GREAT SOUTH BAY AS C-LOC VINYL NAVY BULKHEAD USE EXCAVATED MATERIAL AS BACKFILL



SECTION "CC" THRU BULKHEAD
REPLACE 279 LIN. FT. OF NAVY BULKHEAD ON MANATUCK RIVER AS C-LOC VINYL NAVY BULKHEAD. DREDGE 10' SEAWARD OF BULKHEAD TO -4' BY CLAMSHELL BUCKET USE DREDGE SPOIL AS BACKFILL

PROJECT for MICHAEL SPANO
90 GARNER LANE
BAY SHORE, NY 11706

BY: OUTER BEACH MARINE INC. SHEET 3 OF 3
4226 OAK BEACH
OAK BEACH, NY 11702 JAN. 30, 2004
3/8/04

